

**REMARKS**

In response to the Office Action mailed October 29, 2007, Claims 1-4, 7-15 and 18-22 have been amended, Claims 5-6 and 16-17 have been canceled, and Claims 23-26 have been added. Therefore, Claims 1-4, 7-16, and 18-26 are pending. The Applicants respectfully assert that no new matter has been added by the present amendments. The Applicants also respectfully assert that as a result of these amendments, as well as the remarks below, all of the pending claims are now in condition for allowance.

**Claim Rejections under 35 U.S.C. § 102(b) - U.S. Patent Publication No. 2004/00196905**

In the Office Action, Claims 1, 3-4, and 7 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application Publication No. 2004/0019605 to Keown et al. (hereinafter, "*Keown*"). *Keown* is directed to enrolling payees to receive electronic payments and, during the processing of a payment, identifying those enrolled payees that are capable of receiving electronic payments based on a unique payee identifier. (*See e.g.*, *Keown* Abstract, paragraphs 0022-0026). For at least the reasons outlined below, the Applicants respectfully assert that amended independent Claim 1 and its dependent claims are allowable over *Keown*.

The Applicants respectfully contend that *Keown* fails to teach, suggest, or motivate the following claim elements of amended independent Claim 1:

- determining a plurality of debit options, wherein each debit option of the plurality of debit options is applicable for debiting the payor account;
- automatically selecting one of the plurality of debit options based, at least in part, on at least one processing factor, wherein the at least one processing factor is at least one of a risk factor, a speed factor, and a cost factor;
- determining a credit option associated with the one of the plurality of debit options; and
- executing the payment request using the one of the plurality of debit options and the credit option.

The Office Action cites paragraphs 0034 and 0038 of *Keown* for disclosing the claim elements of Claim 1. However, the Applicants respectfully contend that paragraph 0034 discusses merely the use of a unique payee identifier identifying both a demand deposit account of a payee (for

crediting payment to the payee) and remittance location(s) of the payee. (See *Keown* paragraph 0034). Such use of a unique payee identifier is related to the crediting portion rather than the debiting portion of a payment transaction. Further, paragraph 0038 of *Keown* discusses merely the general use of a payment service provider to make payments to payees as an alternative to making payments directly from the payor to the payee. (See *Keown* paragraph 0038).

In contrast, amended Claim 1 requires “automatically selecting one of the plurality of debit options based, at least in part, on at least one processing factor, wherein the at least one processing factor is at least one of a risk factor, a speed factor, and a cost factor; determining a credit option associated with the one of the plurality of debit options; and executing the payment request using the one of the plurality of debit options and the credit option.” Therefore, unlike the determination of which payee account (and/or remittance location) to credit based on a payee identifier as described in *Keown*, Claim 1 requires a selection from several debit options for debiting the payor's account. Further, in amended independent Claim 1, the selection of which debit option to use is based, at least in part, on one or more processing factors (e.g., a risk factor, speed factor, cost factor, etc.). Such functionality is not taught, suggested, or motivated by *Keown*, nor is it taught, suggested, or motivated any of the references cited in the rejections of the dependent claims under 35 U.S.C. § 103(a) discussed below.

For at least the above stated reasons, the Applicants respectfully contend that *Keown* fails to disclose, teach, suggest, or motivate all of the claim elements of amended independent Claim 1. Therefore, the Applicants respectfully assert that independent Claim 1 is allowable. Furthermore, the Applicants state that dependent Claims 2, 3-7 are allowable as a matter of law, depending from an allowable claim, notwithstanding their independent recitation of patentable features.

#### **Claim Rejections under 35 U.S.C. § 103(a)**

Claims 2 and 5-6 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Keown* in view of U.S. Patent No. 6,647,376 to Farrar et al. (hereinafter, “*Farrar*”), and Claims 8 and 9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Keown* in view of U.S. Publication No. 2004/0230526 to Praisner (hereinafter, “*Praisner*”). Moreover, Claims 10-

12, 14-15, 18, and 21-22 were also rejected under 35 U.S.C. § 103(a) as being unpatentable over *Keown* in view of U.S. Publication No. 2005/0010523 to Myklebust et al. (hereinafter, "*Myklebust*"). Additionally, Claims 13, and 16-17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Keown* in view of *Myklebust* and further in view of *Farrar*, and Claims 19 and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Keown* in view of *Myklebust* and further in view of *Praisner*.

The Applicants respectfully assert that none of the cited references of *Farrar*, *Praisner*, and *Myklebust* teach, suggest, or motivate the claim elements of amended independent Claim 1. For at least these reasons and the reasons listed above discussing the rejection to 35 U.S.C. § 102(b), the Applicants respectfully assert that amended independent Claim 1 is allowable. With respect to the Examiner's rejection of independent Claim 12, the Applicants have hereby amended independent Claim 12 in a manner similar to independent Claim 1, as described above. Therefore, the Applicants respectfully state that Claim 12 is allowable for at least the same reasons as stated with regard to amended independent Claim 1.

Furthermore, the Applicants state that dependent Claims 2, 8-11 and 13-14, and 17-26 are allowable as a matter of law, depending from an allowable claim, notwithstanding their independent recitation of patentable features. For instance, the claim elements of dependent Claims 24 and 26 of "selecting one of the plurality of debit options based, at least in part, on the at least one processing factor associated with a stored preference, wherein the stored preference is associated with the payor or a service provider" are not taught, suggested, or motivated by any of the cited references or any combination thereof.

If there are any issues that can be resolved by a telephone conference or an Examiner's amendment, the Examiner is invited to call the undersigned attorney at (404) 853.8253.

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**CONCLUSION**

The Applicants believe they have responded to each matter raised by the Office Action. Allowance of the claims is respectfully solicited. It is not believed that extensions of time or fees for addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 19-5029.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'W. M. Cook', is written over a horizontal line.

William T. Cook  
Reg. No. 58,072

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SUTHERLAND ASBILL & BRENNAN LLP  
999 Peachtree Street, NE  
Atlanta, Georgia 30309-3996  
Telephone: (404) 853-8253  
Facsimile: (404) 853-8806

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